Remarks

<u>Provisional</u> rejection on the grounds of nonstatutory obviousness-type double patenting:

In response to the maintained provisional rejection on grounds of non-statutory obviousness-type double patenting as being unpatentable over claim 28 of copending Application No. 11/741,282 in view of Studier et al. (J. Mol. Biol. 1986, 189, 113-130) or Studier et al. (Meth. Enzymology, 1990, 185, 60-89) the applicant hereby submits a terminal disclaimer to obviate the provisional rejection.

In closing, the Applicant submits that the present application is now in condition for allowance and respectfully anticipates receipt of a timely Notice of Allowance.

Respectfully Submitted,

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December 23, 2008

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